

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Westfield Construction

v.

Case No. 08-cv-389-PB

Butterfield Housing
Ltd. Partnership, et al.

O R D E R

The defendants have moved to dismiss for lack of venue. It is undisputed in this diversity of citizenship action that all of the defendants are residents only of the State of Vermont and that this action could have been brought in that district. Therefore, venue will only be proper here if "a substantial part of the events or omissions giving rise to the claim occurred" in New Hampshire. See 28 U.S.C. § 1391(a). A court must look "to the entire sequence of events underlying the claim" to determine whether this test has been satisfied. See Uffner v. La Reunion Francaise, S.A., 244 F.3d 38, 42 (1st Cir 2001).

This case involves a payment dispute with a New Hampshire contractor arising from the construction of affordable housing projects located in Dover, Vermont. The only fact cited by the plaintiff contractor to support a finding of venue here is its

contention that defendants purposely directed bid requests to contractors located in this district. Assuming without deciding that this allegation is sufficient to support a finding of personal jurisdiction over the defendants, it does not qualify as a "substantial part of the events or omissions giving rise to the claim" as is required to support a finding of venue. Venue cannot be based on 28 U.S.C. § 1391(c) because the defendants are not corporations.

Defendants' motion to dismiss for lack of venue (Doc. No. 6) is granted.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

December 1, 2008

cc: Robert A. Gensburg, Esq.
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